

# Resettlement Plan

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January 2014

Socialist Republic of Viet Nam: Greater Mekong  
Subregion Tourism Infrastructure for Inclusive  
Growth Project

Subproject in Tay Ninh Province:  
Ba Den Mountain Environmental Improvement

## CURRENCY EQUIVALENTS

(as of 17 January 2014)

Currency Unit	–	Dong (D)
D1.00	=	\$0.00004
\$1.00	=	D21,074

## ABBREVIATIONS

ADB	-	Asian Development Bank
AH	-	affected household
AP	-	affected person
CARB	-	Compensation and Resettlement Board
CPC	-	Commune Peoples' Committee
DRC	-	District Resettlement Committee
DMS	-	detailed measurement survey
DOF	-	Department of Finance
DCST	-	Department of Culture, Sports and Tourism
DPC	-	District Peoples' Committee
EA	-	executing agency
FS	-	feasibility study
IOL	-	Inventory of Losses
LURC	-	land use rights certificate
MCST	-	Ministry of Culture, Sports and Tourism
MOF	-	Ministry of Finance
MOLISA	-	Ministry of Labor, Invalids and Social Assistance
MONRE	-	Ministry of Natural Resources and Environment
NTP	-	notice to proceed
PPC	-	Provincial Peoples' Committee
RCS	-	replacement cost study
RP	-	resettlement plan
SES	-	socio-economic survey
VWU	-	Viet Nam Women's Union

## WEIGHTS AND MEASURES

km	kilometer
kg	kilogram
ha	hectare
m	meter
m <sup>2</sup>	square-meters

## DEFINITION OF TERMS

- Affected person (AP) - Means any person, household, firm or private institution who, on account of changes resulting from the Project, or any of its phases or subprojects, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (including residential, commercial, agricultural, forest, salt mining and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without displacement.
- Cut-off date - This refers to the date prior to which the occupation or use of land in the project area makes residents/users of the same eligible to be categorized as AP.
- Detailed Measurement Survey (DMS) - With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of APs earlier done during Resettlement Plan (RP) preparation. The final cost of resettlement can be determined following completion of the DMS.
- Entitlement - Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the APs, depending on the type and severity of their losses, to restore their economic and social base.
- Host community - Means the community already in residence at a proposed resettlement or relocation site.
- Income restoration - This is the re-establishment of sources of income and livelihood of the affected households.
- Income restoration program - A program designed with various activities that aim to support severely affected and vulnerable persons to recover their income / livelihood to pre-project levels. The program is designed to address the specific needs of the affected persons based on the socio-economic survey and consultations and subject to opportunities and resources available to the AHs where they are located.
- Inventory of Losses (IOL) - This is the listing of assets as a preliminary record of affected or lost assets during the preparation of the RP where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the project right-of-way are identified, measured, their

owners identified, their exact location pinpointed, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.

Involuntary Resettlement	It is the displacement of people, not of their own volition but involuntarily, from their homes, assets, sources of income and livelihood in the ROW in connection with the Project.
Land acquisition	- Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Rehabilitation	- This refers to additional support provided to APs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life
Relocation	- This is the physical displacement of an AP from her/his pre-project place of residence and/or business.
Replacement cost	- The amount needed to replace an affected asset at prevailing market rates net of transaction costs such as administrative charges, taxes, registration and titling costs. In the case of structures, replacement cost refers to current cost of materials (no depreciation) and labor cost without deduction for salvaged materials.
Replacement Cost Study	- This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement	- This includes all measures taken to mitigate any and all adverse impacts of a project on AP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Resettlement Plan (RP)	- This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
Severely affected households	- This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the Project.

- Vulnerable groups
- These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and elderly-headed households with no other means of support, (v) landless households, and (vi) indigenous people or ethnic minorities.

### **NOTES**

- (i) The fiscal year (FY) of the Government of Viet Nam ends on 31 December.
- (ii) In this report, "\$" refers to US dollars.

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## EXECUTIVE SUMMARY

### 1. Project Description

The expected outcome of the Greater Mekong Subregion (GMS) Tourism Infrastructure for Inclusive Growth Project (the project) is that increased international tourism receipts will benefit people living in targeted segments of the GMS corridors. The project outputs are: (i) improved last-mile tourism access infrastructure; (ii) improved environmental services in cross-border tourism centres; (iii) strengthened institutional capacity to promote and manage inclusive tourism growth; and (iv) effective project implementation and knowledge management. In Viet Nam the project will improve tourism sites in Dien Bien, Ha Tinh, Kien Giang, Lao Cai and Tay Ninh provinces.

### 2. Scope of Resettlement

This Resettlement Plan (RP) concerns the subproject Ba Den Mountain Environmental Improvements that will be implemented in Tay Ninh Province. This RP will be updated during implementation of the project. At Ba Den Mountain Park the project will undertake infrastructure improvements that include: (i) extension of the concourse and public open space surrounding the main religious buildings and shrines by approximately 3,000 m<sup>2</sup>; (ii) improving the access pathway up the mountain to the concourse; (iii) construction of rest shelters and kiosks along the pathway; (iv) construction of public toilets; and (v) upgrade water supply, solid waste management, and sanitation facilities, including construction of a 1,500 m<sup>3</sup>/day wastewater treatment plant. All works will be constructed on public land.

The subproject feasibility studies prepared by the project preparatory technical assistance (PPTA) team together with government agencies indicate category B for involuntary resettlement, according to ADB's Safeguard Policy Statement 2009. The categorization was confirmed during the loan fact finding mission of January 2014. The main resettlement impacts will arise from construction activities to extend the concourse and open space surrounding the main religious buildings, where a total of 27 retail shops are located.

The Inventory of Losses (IOL) was compiled together with the socio-economic survey undertaken from 1 August to 31 August 2013 to identify the impacts that infrastructure upgrades would have on households and businesses. Of the 27 shops that will be affected, the IOL identified that 16 will have space in front of their shop affected by the construction activities to expand the concourse. Their kiosks will remain in the same location but during construction they will be required to dismantle tables, awnings or other materials used to extend their retail space at the front of their kiosk. The affected tables/extensions are movable and will be reassembled in the same spot after the works are completed. These 16 shops will be entitled to compensation for income loss due to such temporary disruptions to their business. Of the 16 households losing retail space, 9 use their structure for both a shop and residence, and 7 use the shop for retail purposes only. They will continue to reside at their shops during construction.

The IOL identified 11 shops along the pathway/concourse area that will be affected by disruption to their business because they are situated along the access path to the construction site, and will be subject to occasional closures to allow movement of equipment and materials, or other construction requirements. These shops will be entitled to compensation for income loss due to such temporary disruptions to their business. The construction will be done in phases so that the entire pathway or concourse will never be totally closed.

### 3. Profile of Affected Households

A socio-economic survey of the 27 affected households (AHs) comprising 137 affected persons (APs) was carried out from 9 August to 31 August 2013. All AHs earn their livelihood primarily as retail operators renting space from the Ba Den Mountain Management Board. A third of the affected persons also reside all or most of their time at the site alone or with one or two other family members. All of the families are Kinh, the majority ethnicity. Three households have a disabled family member and are considered vulnerable. No households are poor according to the national poverty line.<sup>1</sup>

The AHs consider that they earn a good income from tourists visiting the park. They are concerned about the overcrowding that occurs during the peak seasons and are in favor of the project's proposed activities to expand the concourse, improve public tourist amenities, and improve water supply and sanitation.

#### **4. Consultations**

Consultations during the preparation of the draft resettlement plan consisted of interviews and public meetings with retail shop operators at the time of conducting the IOL, a socio-economic survey with vendors, consultations with the Ba Den Mountain Management Board, and meetings with provincial and district officials on project preparation and design, including discussions on resettlement impacts. Concerns and suggestions raised by the affected people have been incorporated into the RP and project design, including the need to ensure that tourism development is socially and economically beneficial for local stakeholders, and the potential negative impacts of tourism growth are avoided and mitigated. Specific activities include programs to: (i) combat child exploitation and human trafficking in the tourism industry, (ii) build the capacity of destination management organizations to develop and implement sustainable tourism policies, (iii) conduct public awareness programs on the benefits and potential negative impacts of tourism, (iv) disseminate information on public health and worker safety targeting local residents and tourists, and (v) improve heritage protection and management. The detailed description and budget for these activities is in the Project Administration Manual. Consultations with affected persons identified and other stakeholders met during public consultations will continue throughout the detail design stage and project implementation cycle. The draft RP will be disclosed to APs prior to its approval by the provincial authorities. The findings of consultations undertaken during the project's preliminary feasibility studies were confirmed during ADB's loan fact finding mission held in January 2014.

#### **5. Legal Framework**

The legal and policy framework for compensation, resettlement and rehabilitation under the project is defined by the relevant laws and regulations of the Government of Viet Nam, Tay Ninh Province, and the ADB Safeguards Policy Statement (2009). Some differences still remain between Government regulations and ADB's SPS. ADB's policies will prevail where gaps exist. A summary of the gaps and project policies adopted are presented in the resettlement plan.

#### **6. Entitlements**

The main entitlements are for the economic disruption that affected persons will experience during the period of construction. The allowances for businesses losses will apply in the case of temporary interruption of business in keeping with ADB's safeguards policies. The rates for the allowances will be according to provincial resettlement policies so long as these policies remain

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<sup>1</sup> The national poverty line (2012) is based on average income required for basic needs. i.e. D 400,000 per person/month in rural areas and D 500,000 per person/month in urban areas.



up to date at the time of compensation. The resettlement plan outlines entitlements for residential land, affected structures, and other forms of compensation that will apply to any additional resettlement impacts identified during the detailed design. All persons owning or occupying land, or operating businesses, prior to the cut-off date of 31 August 2013 (the last date of the IOL) are eligible for assistance.

## **7. Institutional Arrangements**

The Ministry of Culture, Sports and Tourism (MCST) is the project's executing agency (EA). The MCST-based Project Coordination Unit (PCU) and Tay Ninh Project Implementation Unit (PIU) embedded in the provincial Department of Culture, Sports and Tourism (DCST) will supervise implementation of this RP. The PCU will coordinate with the Tay Ninh Provincial People's Committee (PPC) and PIU to ensure timely approval of the RP and its update, and that the compensation and assistances are administered according to the provisions set forth herein. Tay Ninh PPC will authorize the concerned district to establish a District Resettlement Committee that will ensure resettlement activities are administered according to the provisions of this plan.

## **8. Grievance Redress and Information Disclosure**

The grievance mechanism has been designed to ensure that APs' concerns and grievances are addressed and resolved in a timely and satisfactory manner. APs will be made fully aware of their rights verbally and in writing during consultations, during resettlement surveys, and at the time of compensation. Key information in the draft RP will be disclosed to APs prior to ADB's appraisal of the project and the grievance redress procedure will be well-defined in the project's Public Information Booklet. Commune and District People's Committees are primarily responsible for resolving any grievances received from the AHs. An aggrieved AP or AH will be free from any fees in connection with the lodging and resolution of complaints, as these will be borne by the PIU.

## **9. Budget**

The total cost of resettlement is \$16,841 with \$13,564 for direct costs of compensation, \$2,475 for implementation, and \$802 allocated for contingency (5%). The Government Viet Nam will cover the costs of resettlement.

## **10. Monitoring**

The PCU with support from the project implementation consultants and PIU-based Safeguards Officers will carry out internal monitoring of resettlement planning and implementation of resettlement activities. The scope of internal monitoring will cover an assessment of: (i) compliance with the agreed resettlement policies and procedures; (ii) timely availability and efficient use of personnel, material and financial resources; and (iii) identification of the need for remedial actions to correct any problems that arise.

The PCU will prepare quarterly internal monitoring reports on the resettlement activities, consolidating information submitted by the PIU and consultants. Since the severity of economic disruption is expected to be minor and temporary number, households severely affected, the engagement of an external monitor for this subproject is not warranted. This provision can be reassessed at the time of detail design if the impacts are determined to be more significant. A process, timeline, and indicators for monitoring are provided in this RP. All data in the monitoring reports will be disaggregated by sex and ethnicity.

## 11. Implementation Schedule

The subproject will be implemented from 2015 to 2019. The resettlement implementation schedule is set out below:

<b>Resettlement Plan Updating/Implementation Activities</b>	<b>Schedule</b>
Consultations, carry out DMS, socioeconomic surveys, and disclosure by subproject.	Quarter 3, Year 1
Approval of updated resettlement plans by Tay Ninh PPC and ADB	Quarter 4, Year 1
Implementation of updated resettlement plan actions.	Quarter 1 and Quarter 2, Year 2
Award of civil works contracts.	End of Quarter 2, Year 2
Internal monitoring.	Continuous
Clearance of acquired land.	Quarter 3, Year 2
Start of civil works.	Quarter 4, Year 2
Consultations	Continuous

## 1. PROJECT DESCRIPTION

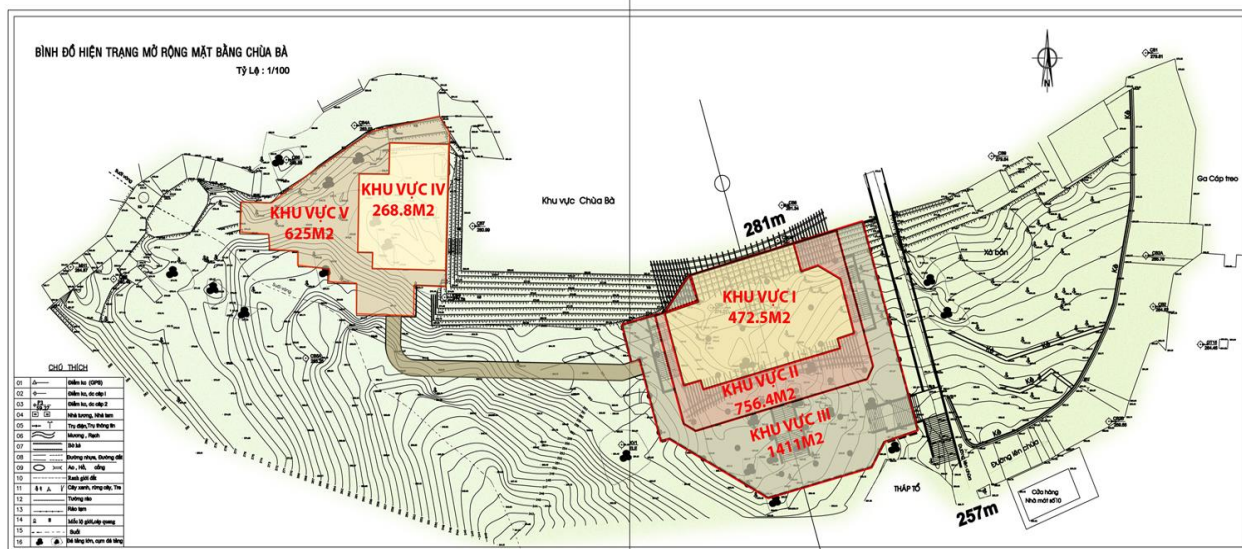
1. The Greater Mekong Subregion (GMS) Tourism Infrastructure for Inclusive Growth Project (the project) is a multi-sector, multi-country investment project financed by separate sovereign loans to Cambodia, the Lao Peoples Democratic Republic, and Viet Nam. The project will invest in transport and environmental infrastructure and capacity building in 12 provinces across the three participating countries.
2. The expected outcome of the project in Viet Nam is that increased international tourism receipts benefit men and women living in targeted segments of the GMS corridors. Project outputs are: (i) improved last-mile tourism access infrastructure; (ii) improved environmental services in cross-border tourism centers; (iii) strengthened institutional capacity to promote inclusive tourism growth; and (iv) effective project implementation and knowledge management. In Viet Nam the project includes the provinces of Dien Bien, Ha Tinh, Kien Giang, Lao Cai and Tay Ninh.
3. This Resettlement Plan (RP) is for the Ba Den Mountain Environmental Improvements subproject that will be implemented in Tay Ninh Province.
4. **Subproject Description:** Ba Den Mountain Park is located 19 km north-east of Tay Ninh City in Duong Minh Chau District. The mountain and the surrounding park cover an area of approximately 24 km<sup>2</sup>. The area is one of considerable natural beauty and ecological value with a diverse forest eco-system. The mountain and its pagoda, shrines and religious buildings are revered for their cultural importance throughout the region, attracting over 2 million visitors per year. There has been considerable private investment in the Ba Den Mountain Park, including two cable car systems. At the same time, the lack of public investment in environmental infrastructure and services such as public toilets, water supply and sanitation needed to accommodate the large volume of tourists is resulting in a degraded environment that threatens future tourism growth. Further, the lack of well-designed public space around the main religious buildings is a safety hazard, given the site receives as many as 140,000 people per day during the annual Tet holiday period.
5. To address the growing public health and safety hazards at the site the subproject will: (i) extend the concourse and public open space surrounding the main religious buildings and shrines by approximately 3,000 m<sup>2</sup>; (ii) improve the access pathway up the mountain; (iii) construct rest shelters and kiosks in various locations along the access path; (iv) construct additional public toilets; and (v) upgrade water supply, solid waste management, and sanitation facilities, including construction of a 1,500 m<sup>3</sup>/day wastewater treatment plant. All works will be constructed on public land.

## 2. SCOPE OF RESETTLEMENT AND AFFECTED PERSONS

6. Ba Den Mountain Park has a total of 326 businesses that lease space from the Ba Den Mountain Management Board for selling souvenirs and food and beverages to tourists. In most cases the retailers reside full-time or part of their time in the retail shops as the park covers a large area and is not close to any residential neighborhoods.
7. An Inventory of Losses (IOL) was undertaken together with a socio-economic survey from 9 August to 31 August 2013 to identify the impacts that the infrastructure upgrades would have on businesses operating in the park, and the households that they sustain. The IOL found 27 businesses will experience temporary economic disruption due to construction activities to extend the concourse and public open space surrounding the main religious buildings (Figure 1). Of the 27 affected businesses, the IOL identified that 16 will have space

in front of their shop temporarily affected. Their kiosks will remain in the same location but during construction they will be required to dismantle tables, awnings or other materials used to extend retail space in front of their kiosk, which will temporarily disrupt their business. The affected tables and extensions are movable and will be reassembled in the same spot after the works are completed. These 16 shops will be entitled to compensation for income loss due to such temporary disruptions to their business. Of the 16 households temporarily losing retail space, 9 use their structure for both a shop and residence, and 7 use the shop for retail purposes only. The 9 AHs that use their structure for both a shop and residence will continue to reside at their shops during construction.

**Figure 1: Illustration of Concourse Extensions**



8. The IOL identified 11 shops in the pathway/concourse area that will be affected by disruption to their business because they are situated along the access path to the construction site, and will be subject to occasional closures to allow movement of equipment and materials, or other construction requirements. These shops will be entitled to compensation for income loss due to such temporary disruptions to their business. The construction will be done in phases so that the entire pathway or concourse will never be totally closed.

9. The impacts are described in Table 1. The list of Affected households (AH) is in Annex 1.

**Table 1: Number of affected households and area**

Affected Asset	No. of AHs	Men	Women	No. of APs	Affected area	Area / AP	Loss (%)
Retail shop/residence – Loss of retail area with temporary disruption during construction	16	4	12	76	136 m <sup>2</sup>	Average 8.5 m <sup>2</sup> Range 4–20 m <sup>2</sup>	31%
Retail shop/residence - Temporary disruption during construction	11	4	7	61	0	0	0
<b>Total</b>	<b>27</b>	<b>8</b>	<b>19</b>	<b>137</b>	<b>136 m<sup>2</sup></b>		

### 3. PROFILE OF AFFECTED HOUSEHOLDS

10. A socio-economic survey of the 27 affected households was carried out from 9 August 31 August 2013. The affected households earn their main livelihood from retail sales at Ba Den Mountain. As show in Table 2, four (4) of the affected women household heads have not completed any schooling; one woman and one man have completed only primary school; and the remainder have completed lower-secondary or above. The average income is D 10 million per month (about \$500) with women's average income slightly higher than that of men (Table 3). The respondents considered themselves to be generally wealthier than others in their community with 14 indicating that they were wealthier than others; 10 rated themselves average; and 3 indicated that they were less well-off then their neighbors. All but one respondent was married (Table 4) and the majority of affected household heads are between 31 and 45 years of age (Table 5).

**Table 2: Education Level of Head of Household of AHs**

	Men		Women		Total	%
	N	%	N	%		
No education or primary not completed	-	-	4	21.1	4	14.8
Primary, completed	1	12.5	1	5.3	2	7.4
Lower secondary, completed	4	50.0	10	52.6	14	51.9
Upper secondary, completed	3	37.5	4	21.1	7	25.9
<b>Total</b>	<b>8</b>	<b>29.6</b>	<b>19</b>	<b>70.4</b>	<b>27</b>	<b>100.0</b>

**Table 3: Average Income for Affected Households**

	Men	Women	Average
Average income/year (D)	112,250,000	125,263,000	121,407,000
Average income/month (D)	9,354,000	10,439,000	10,117,000

**Table 4: Civil Status of Affected Household Heads**

	Men		Women		Total	%
	N	%	N	%		
Married	7	87.5	18	94.7	25	92.6
Single	1	12.5	1	5.3	2	7.4
<b>Total</b>	<b>8</b>	<b>29.6</b>	<b>19</b>	<b>70.4</b>	<b>27</b>	<b>100.0</b>

**Table 5: Age of Affected Household Heads**

Age Group	Men		Women		Total	%
	N	%	N	%		
20 - 30 years	1	12.5	1	5.3	2	7.4
31 - 45 years	6	75.0	13	68.4	19	70.4
46 - 60 years	-	-	5	26.3	5	18.5
61 years	1	12.5	-	-	1	3.7
<b>Total</b>	<b>8</b>	<b>29.6</b>	<b>19</b>	<b>70.4</b>	<b>27</b>	<b>100.0</b>

11. The affected households all rent their retail shops, with the average rent being D 4.5 million per year. All AHs are Kinh, the majority ethnicity. Three AHs have a disabled family member and are considered vulnerable. None of the households are classified as poor according to the national poverty line.<sup>2</sup>
12. The AHs consider that they earn a good income from the tourists visiting the park. They are concerned about the overcrowding that occurs during the peak seasons and are in favor of the project activities even if it will affect their income on a temporary basis.
13. Other concerns and suggestions raised by the affected people have been incorporated into resettlement planning and the overall project design, including the need to ensure that tourism development is socially and economically beneficial for local stakeholders, and the potential negative impacts of tourism growth are avoided and mitigated. Specific activities to respond to stakeholder concerns include programs to: (i) combat child exploitation and human trafficking in the tourism industry, (ii) build the capacity of destination management organizations to develop and implement sustainable tourism policies, (iii) conduct public awareness programs on the benefits and potential negative impacts of tourism, (iv) disseminate information on public health and worker safety targeting local residents and tourists, and (v) improve heritage protection and management. The detailed description and budget for these activities is in the Project Administration Manual.

#### **4. LEGAL AND POLICY FRAMEWORK**

14. This Resettlement Plan follows laws, regulations and policies of the Government of Viet Nam and Asian Development Bank's Safeguards Policy Statement (2009) policies and guidelines.

##### **4.1 Laws Regarding Land Acquisition and Resettlement in Viet Nam**

15. The Constitution of the Socialist Republic of Viet Nam (1992) confirms the right of citizens to own and protect the ownership of a house. In addition, the government has enacted a number of laws, decrees and regulations that constitute the legal framework for land acquisition, compensation, assistance and resettlement.
16. The principal documents include the Land Law No.13/2003/QH11 providing comprehensive land administration regulations. The 2003 Land Law supersedes earlier versions of 1987 and 1993. Article 39 of the 2003 Land Law requires disclosure of information to the APs prior to recovery of agricultural and non-agricultural lands for a minimum of 90 and 180 days respectively. The Ministry of Natural Resources and Environment (MONRE) issued Circular No. 14/2009/TT-BTNMT on the allocation of new residential land, or a resettlement house or monetary compensation for APs that need to relocate. The circular grants authority to People's Committees to determine whether certain structures built after 1 July 2004 violated approved land use.
17. For reference, the Laws, Decrees and Decisions on Land Acquisition and Resettlement in Viet Nam are set below:
  - Land Law No. 13/2003/QH11 promulgated on 26/11/2013;
  - Decree No. 181/2004/ND-CP of the Government, guiding the implementation of the Land Law in 2003

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<sup>2</sup> The national poverty line (2012) is based on average income required for basic needs. i.e. D 400,000 per person/month in rural areas and D 500,000 per person/month in urban areas.

- Decree No. 197/2004/ND-CP dated 03/12/2004 of Government on compensation, rehabilitation and resettlement in the event of land recovery by the State.
  - Decree 69/2009/ND-CP, dated 13 August 2009, regulating additional planning of land use, land prices, land acquisition, compensation, assistance and resettlement
  - Decree No. 17/2006/ND-CP, amending Decree No. 181/2004/ND-CP, Decree No. 197/2004/ND-CP and other decrees.
  - Decree No. 188/2004/ND-CP, specifying methods for land pricing and land price frameworks in the event of land recovery by the State.
  - Ordinance No: 34 /2007/PL-UBTVQH dated 20 April 2007 of Central Committee Parliament on democracy exercitation at communes, wards, towns.
  - Decree No. 38/2013/NĐ-CP on management and utilization of the official development assistance (ODA) and concessional loans from donors.
  - Decree 84/2007/ND-CP, on 25<sup>th</sup> May 2007 on supplementary regulations on granting land use certificate, orders and procedures for compensation, assistance and resettlement when the State acquires land and settling complaints on land.
  - Circular 06/2007/TT-BTNMT, dated 15 June 2007, of the Ministry of Natural Resources and Environment providing guidelines for executing Decree 84 of the Government.
  - Decree 123/2007/ND-CP, dated 27 July 2007, relating to amendments and additions to Decree 188/2004/ND-CP above.
  - Circular 145/2007/TT-BTC, dated 6 December 2007, of the Ministry of Finance providing guidelines for executing Decree 123 of the Government and replacing Circular 144 of MOF on guidance of executing Decree 188/2004/ND-CP.
  - Circular 14/2009/TT-BTNMT issued by the Ministry of Natural Resources and Environment dated on October 1st 2009 guiding implementation Decree 197/2004 and decree 69/2009 on detailed regulations on compensation, support and resettlement and the order and procedures for land acquisition, land allocation, land lease.
  - Decree No: 11/2010/NĐ-CP dated 24 February 2010 of the Government on traffic infrastructure management and protection;
  - Decree No: 42/2012/NĐ-CP dated 11 May 2012 of the Government on management of paddy land use.
  - Complaint Law No. 02/2011/QH13 dated 11 November 2011 of the National Assembly of the Socialist Republic of Vietnam.
  - Denunciation Law No. 03/2011/QH13 dated 11 November 2011 of the National Assembly of the Socialist Republic of Vietnam.
  - Decree No. 75/2012/ND-CP dated 03 October 2012 of Government on detailed regulations of Complaint Law.
  - Decree No. 76/2012/ND-CP dated 03 October 2012 on detailed regulations for executing some articles of the Denunciation Law.
18. At the local level, provinces issue Provincial Decisions, consolidating Decree 69/2009/ND-CP and other legal documents relevant to planning and implementation of resettlement at the provincial level. The Provincial Decisions stipulate that compensation for land shall be at the market rate following the provincially regulated price-frame that is issued each January, and provides for assistance/allowances for relocation, livelihood and production stabilisation, as well as occupational training and other assistance. The relevant decrees for Tay Ninh province include:
- (i) Tay Ninh PPC Decision No. 44/2010/QĐ-UBND (dated 19 August 2010), regulating some compensation, assistance and resettlement policies when State recovers land in Tay Ninh province;

- (ii) Tay Ninh PPC Decision No. 61/2012/QĐ-UBND (dated 10 December 2012), regulating prices of types of land 2013, in area of Tay Ninh province;
- (iii) Tay Ninh PPC Decision No. 02/2012/QĐ-UBND (dated 5 January 2012) regulating unit price of housing, architectural subjects, and works in area of Tay Ninh province.

## 4.2 ADB Policies

19. The applicable ADB Policy on Involuntary Resettlement is the Safeguard Policy Statement 2009 (the SPS 2009), as detailed in ADB's OM Section F1/OP (issued on 4 March 2010).
20. The main objectives of ADB's Policy on Involuntary Resettlement is to avoid or minimize impacts on people, property and businesses affected by the acquisition of land, or other impacts of the project, including impacts on livelihood and income, that arise from the implementation of the project. Where involuntary resettlement is not avoidable, it must be minimized either by exploring project alternatives, or by providing specific mitigation to enhance or at least restore the living standards of the affected people to their pre-project levels. The SPS 2009 stresses that the living standards affected people should be improved.
21. ADB's Policy on Gender and Development (2006) also has a bearing on resettlement. This policy adopts gender mainstreaming as a key strategy for promoting gender equity, and for ensuring that women participate, and that their needs are explicitly addressed in the decision-making process. For projects that have the potential to cause substantial gender impacts, a gender plan is prepared to identify strategies to address gender concerns and the involvement of women in the design, implementation and monitoring of the project.  
  
ADB's Policy on Indigenous Peoples (SPS 2009) states that the borrower/client will ensure (i) that affected Indigenous Peoples receive culturally appropriate social and economic benefits; and (ii) that when potential adverse impacts on Indigenous Peoples are identified, these will be avoided to the maximum extent possible. Where this avoidance is proven to be impossible, based on meaningful consultation with indigenous communities, the Indigenous Peoples Plan will outline measures to minimize, mitigate, and compensate for the adverse impacts<sup>3</sup>.
22. Other policies of the ADB that have bearing on resettlement planning and implementation are the (i) Public Communications Policy (2011); and (ii) Accountability Mechanism (2012). According to these policies, central Project Coordination Units (PCUs) and Project Implementation Units (PIUS) are required to proactively share and disclose the project information with stakeholders and the public at large. Affected people should have easy access to the project information. The grievance redress mechanism, therefore, must be included in the resettlement plans and disclosed to the affected people.
23. Together, the ADB Safeguard Policy Statement 2009, Laws of the Government of Viet Nam, and Provincial People's Committee Decrees/Decisions on resettlement provide an adequate legal basis to identify past, present, and future involuntary resettlement impacts and risks, outlining procedures to determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.

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<sup>3</sup> An Ethnic Minorities Development Plan has been prepared for this project that sets out actions to addressing how ethnic minority groups will benefit from this project and negative impacts will be avoided/mitigated.



## 5. RESOLVING INCONSISTENCIES ON INVOLUNTARY RESETTLEMENT

24. With the promulgation of Decree 197/2004/ND/CP (3/12/2004) and Decree 69/2009/ND/CP, the policies and practices of the Government have become more consistent with ADB's social safeguards policies.
25. Viet Nam's laws and ADB's Resettlement Policy are congruent concerning the entitlement of persons with legal rights/titles. Existing legislation provides guidance in (i) determining market/replacement rates and payment of compensation and assistances for various types of affected assets; (ii) options for land-for-land and cash compensation assistance; (iii) provision of relocation assistance and support to displaced households during the transition; (iv) provision of resettlement land and housing with secure tenure; (v) additional assistance for severely affected and vulnerable households; (vi) assistance for livelihood restoration and training; and (vii) notification/disclosure, consultation, and grievance mechanisms.
26. Viet Nam's policies do not apply to those without legal title or to non-registered businesses, while ADB's policy requires compensation for assets and for rehabilitation assistance for those without legal title. Non-registration of an AP's business also does not bar them from being assisted in restoring their business and income under ADB's guidelines. Provisions and principles adopted in this RP will supersede the provisions of the relevant decrees currently in force in Viet Nam wherever a gap exists, as provided for under Decree 38/2013 ND-CP (April 2013), which regulates the management and use of official development assistance. The differences between the Government's Laws and Decrees and ADB Policy with regard to resettlement and compensation, and how these gaps will be addressed, are shown in Table 6.

**Table 6: Gaps between National Resettlement Laws and ADB Policy**

Key Issues	National Laws	ADB Policy	Project Policy
Non-titled users	Decree 69: Article 23: Persons whose main income is derived from agricultural production whose land is acquired by the Government and cannot satisfy LURC and compensation conditions stipulated in Decree 197/2004, Articles 6 and 121, the Peoples' Committees of the provinces or centrally-run cities shall consider providing such support on case-by-case basis	Non-titled APs, including displaced tenants, sharecroppers and squatters, are not entitled to compensation for land but are entitled to payment for non-land assets and assistance to restore their pre-project living standards. If they are poor and vulnerable, appropriate assistance must be provided to help them improve their socio-economic status.	Land users who have no formal legal rights or recognized or recognizable claims to such land will be compensated at full replacement cost for non-land assets and investment on land. Apart from this compensation, any poor and vulnerable non-titled users will be provided additional assistance to help them improve their socio-economic status as described in this RP.
Compensation of land at replacement cost	Article 9, Decree 197/2004: The compensation rates for land shall be determined by the PPC in accordance with the Government regulations for the type of land which has been used for at the time of land acquisition.  Decree 69, Art 11, Art 16: Compensation is land for same-use land. If not available the AP can be compensated in cash based upon the market transfer price of such land at the time of the decision to acquire.	All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market value, plus any transaction costs such as administrative charges, taxes, registration and titling costs. In the absence of a functioning market, a compensation structure is required that enables affected people to restore their livelihoods to level at least equivalent to	Payment for land will be based on the principle of replacement cost.

<b>Key Issues</b>	<b>National Laws</b>	<b>ADB Policy</b>	<b>Project Policy</b>
	Compensation limited to the allowable land quota, unless land over limit due to inheritance or legally transferred from other persons, or unused land developed according to the land use plan approved by the authorities. If not, compensation only for improvements on that land.	those maintained at the time of dispossession, displacement, or restricted access.	
Houses and structures	Decree 69 Art 24, Compensation for House, Structures on Acquired Land. Clause (1) – Compensation for APs residential structures based on value of newly constructed house/structure equal to technical standard issued by DOC and based on house area and unit prices issued by PPC. Clause(2) other structures compensation equal to total present value using unit costs for newly constructed house/structure using DOC technical standards and depreciated to present value of acquired house/structure. Maximum value cannot exceed 100% of new value of acquired house/structure.	For non-land assets, all eligible affected people, whether titled, legitimate, or non-titled, need to be compensated at replacement cost, through cash or replacement assets.	Structures, regardless of tenure status, will be compensated at full replacement cost without deduction of salvageable materials. Additional cash or in-kind assistance will be provided on a case-by-case basis, depending on type and severity of impact and whether or not the AH is vulnerable
Non-registered business	Decree 197/2004, Articles 26-28: Only registered businesses are eligible for assistance.	For non-land assets, all eligible affected people, whether titled, legitimate, or non-titled, need to be compensated at replacement cost, through cash or replacement assets. Included among these APs are renters of buildings, tenants and employees of affected businesses.	Non-registered businesses will be eligible for cash or in-kind assistance
Provision of rehabilitation assistance	Decree 197/2004, Articles 28-29 and Decree 69/2009 Art 20: APs losing more than 30% of productive land will be entitled to living stabilization and training/job creation assistance; provides for the long term assistance to poor households.	Rehabilitation assistance is required for those who lose 10% or more of their productive income generating assets and/or being physically displaced. Focus on strategies to avoid further impoverishment and create new opportunities to improve status of the poor and vulnerable people.	Rehabilitation assistance will be provided to those who lose 10% or more of their productive income generating assets and/or being physically displaced. The project will focus on strategies to avoid further impoverishment and create new opportunities to improve status of the poor and vulnerable people. Affected persons will be given priority for inclusion in output 3 training/capacity building activities.

DOC = Department of Construction; LRUC = land rights use certificate

## 6. PROJECT PRINCIPLES, ELIGIBILITY AND ENTITLEMENTS

### 6.1 Project Resettlement Principles

27. The basic principles of this project relating to involuntary resettlement are the following:

- (i) Involuntary resettlement and impacts on land, structures and other fixed assets will be avoided or minimized where possible by exploring all alternative options;
- (ii) APs residing, working, doing business and cultivating land within the required project area as of the completion date of the census and Inventory of Loss (the cut-off-date) will be entitled to compensation and rehabilitation assistance to assist them in improving, or at least maintaining, their pre-project living standards and productive capacities;
- (iii) Lack of formal legal title or rights will not be a bar to eligibility for compensation and assistance under the project. AHs without title or any recognizable legal rights to land are eligible for resettlement assistance and compensation for non-land assets at replacement cost
- (iv) APs will not be displaced until they have been compensated as per the provisions of this RP and rehabilitation measures are in place;
- (v) All compensation will be based on the principle of replacement cost at the time of compensation. For houses and other structures, this will involve the costs for materials and labour at the time of acquisition, with no deduction for depreciation or for salvageable materials. Compensation for land will be replacement land or, in cases where replacement land is not available or the household opts for cash compensation, cash adequate to purchase land locally of equivalent size and quality, and where required to improve land to achieve suitable quality;
- (vi) The process and timing of land and other asset acquisition will be determined in consultation with APs to minimize disturbance;
- (vii) Where houses and structures are partially affected to the degree that the remaining portion is not viable for its intended use, the project will acquire the entire asset, and APs will be entitled to compensation at replacement cost for the entire asset;
- (viii) APs will be systematically informed and consulted about the project, the rights and options available to them and proposed mitigating measures. The comments and suggestions of APs and communities will be taken into account;
- (ix) The key information in the RP such as measurement of losses, detailed asset valuation, compensation and resettlement options, detailed entitlements and special provisions, grievance procedures, timing of payments and displacement schedule will be disclosed to APs in an understandable format including through the distribution of public information booklets (PIBs) prior to submission to ADB for review and approval;
- (x) Resettlement planning and implementation will ensure that gender concerns are incorporated, including gender-specific consultation and information disclosure. This includes special attention to guarantee women's assets, property, and land-use rights, and to ensure the restoration of their income and living standards;
- (xi) Existing cultural and religious practices will be respected and, to the maximum extent practical, preserved;
- (xii) Special measures will be incorporated in the RP to protect socially and economically vulnerable groups such as ethnic minorities, women-headed households, children, households headed by the disabled, the elderly, landless and people living below the generally accepted poverty line. Vulnerable APs will be provided with appropriate assistance to help them improve their standard of living through asset building

- strategies such as provision of land, replacement housing of minimum standards and increased security of tenure;
- (xiii) There will be effective mechanisms for hearing and resolving grievances during updating and implementation of the RP.
  - (xiv) Institutional arrangements will be in place to timely and effectively implement the land acquisition, compensation, resettlement, and rehabilitation programs with full participation and meaningful consultation with AHs;
  - (xv) Adequate budgetary support will be fully committed and made available to cover the costs of land acquisition and resettlement within the agreed implementation period;
  - (xvi) Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system.
  - (xvii) Voluntary donation will not be applied for any assets;
  - (xviii) Civil works contracts will not be awarded for a specific subproject or geographic area until (i) compensation payment and relocation (as required) have been satisfactorily completed for that subproject or geographic area; (ii) agreed rehabilitation program is in place; and (iii) the area is free from all encumbrances as per approved RP;
  - (xix) Cash compensation or replacement land for affected households losing entire residential land will be made available well ahead of civil works to allow the affected households sufficient lead time to reconstruct their houses; and
  - (xx) No demolition of assets will be done until the affected household is fully compensated and relocated.

## 6.2 Eligibility and Entitlements

28. **Eligibility.** All APs who were identified in the project-impacted areas on the cut-off date will be entitled to compensation for their affected assets and to rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. The cut-off date is 31 August – the last day of the Inventory of Losses. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance.
29. **Entitlements.** The entitlement matrix in Table 7 includes the main types of losses and the corresponding nature and scope of entitlements. The detailed civil works design, DMS and socioeconomic surveys will be the basis for determining actual impacts and compensation rates for business losses. Standards described will not be lowered but can be enhanced in the updated subproject RP as required.
30. The final selection of land for construction of the wastewater treatment plant will be on vacant and idle public land. The District Resettlement Committee (DRC) will confirm that the identified land is free of any encumbrances, habitation, dispute or controversy, to be verified by a third party such as the Viet Nam Women’s Union (VWU).
31. Voluntary donation will not be applied for any assets.

**Table 7: Project Entitlement Matrix**

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Partial dismantling of shops where some residents reside.	Owners of affected structures whether tenants or owners of the land.  AH = 16	<ul style="list-style-type: none"> <li>• Space of equal size at same location is available to re-establish tables, awnings and other materials at the shops after construction is finished.</li> <li>• Waiver of rent during construction period and afterward same rent as prior to construction, for a period of two years.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure consultation with APs on construction schedules and arrangement of stalls/space as part of detail design.</li> </ul>

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Loss of business income during dismantling/repair of affected portion or shop or blocked access during period of construction	Retail shop operators – Owners or leaseholders/tenants AH = 27	<ul style="list-style-type: none"> <li>• Cash compensation equivalent to the average monthly income prorated to the number of days of business disruption.</li> <li>• Transportation assistance, if needed.</li> <li>• Waiver of rent for construction period.</li> </ul>	Amount for period of disruption to be determined at DMS; amount to be increased if construction is substantially longer than envisaged or delayed.
Vulnerable APs	Vulnerable APs such as poor households, or households headed by women, the elderly, or having disabled family members; and members of ethnic minorities AH = 3	<ul style="list-style-type: none"> <li>• An additional allowance of 3 months supply of rice per person in the household.</li> <li>• Eligible and with priority for participation in business training programs planned under Output 3.</li> <li>• The contractors will make all reasonable efforts to recruit severely affected and vulnerable APs as labourers for civil works. (To be monitored by EA and ADB).</li> </ul>	Poor APs as set by Ministry of Labour, Invalids and Social Affairs poverty level, being average income of less than D 400,000 per month in rural areas and less than D 500,000 D urban areas.
Temporary use of land	Leaseholder	<ul style="list-style-type: none"> <li>• Retail leaseholders will not pay any rent on land that is being used for construction.</li> <li>• Retail leaseholders that temporarily lose access to their shop due to bypass route or other construction works will be entitled to Loss of Business Income entitlements.</li> </ul>	<ul style="list-style-type: none"> <li>• The Ba Den Management Board will ensure that no rent is charged for retail space being used by contractors for construction. If such costs must be recouped from contractors, the MB will be responsible to recoup such costs.</li> </ul>

### 6.3 Income Restoration Strategy

32. The compensation for affected persons for will ensure that they do not experience losses as a result of the subproject. The key strategy for restoration of livelihoods at Ba Den Mountain is to ensure that all affected persons that are temporarily affected by economic disruptions will receive compensation for their business losses. In addition, affected businesses will have reduced rent during construction.
33. During consultations to update the RP affected persons will be given guidance on business planning to encourage them to save their compensation to re-invest in their business following the subproject improvements. In addition, affected persons will be included in the lists of participants taking part in micro- and small-enterprise development training and tourism service training supported by output 3 of the project.
34. If during detailed design it is determined that any business needs to relocate, such businesses will be provided with a new location to establish their business at the upgraded concourse/pathway at Ba Den Mountain. The space should be of similar dimensions in terms of its size and offer exposure to similar volumes of visitor traffic. Rents will be maintained at the rate set in 2013 during the construction period, and for a period of two years after construction is complete, as an additional measure to ensure affected businesses are able to recoup any losses experienced during construction. Any severely affected vulnerable APs that permanently lose more than 10% of their productive assets (in this case access to retail space), will receive additional allowances. If needed, appropriate livelihood restoration programs will be designed and implemented during project implementation in consultation with APs.

35. **Gender and Vulnerable Groups:** The RP recognizes that women, the poor and other vulnerable groups may be less able to restore their living conditions, livelihoods and income levels; and therefore, at greater risk of impoverishment when their land and other assets are affected. A number of strategies will be adopted to ensure gender-sensitive resettlement and rehabilitation measures, and to engage women actively in the planning and implementation of the resettlement program as well as other programs. The DRC, resettlement specialists, and gender specialists will be directly involved in RP updating and implementation to ensure that these measures are adequately implemented.
36. The DRCs and resettlement specialists will make concerted efforts to consult with women APs (household heads and women in AP households). This will be done through individual and women focus group discussions. The involvement of local VWU representatives will be crucial in facilitating these consultations and ensuring women's specific needs are met. Women will also be consulted specifically to determine the business support services and skills training activities to be provided under output 3. Compensation payments will be signed off by both spouses, or in the case of female headed households, by the affected women.

## 7. UPDATING AND IMPLEMENTATION OF THE RESETTLEMENT PLAN

### 7.1 Updating

37. This RP will be updated once the subproject's detailed civil works design is complete. The updating will consider any change in design that alters the resettlement impacts, including the identification of additional affected persons and extent of temporary economic disruption, and required compensation/livelihood restoration. Updating of the RP will involve the following steps:
- (i) Undertake a Detailed Measurement Survey (DMS)<sup>4</sup> of all losses of all APs. At the same time, inform potential APs (without discrimination) about the subproject, its likely impacts, and principles and entitlements as per the RP;
  - (ii) Update the socioeconomic information gathered during project preparation to establish the baseline of APs as required;
  - (iii) Identify and document the process for compensation, such as whether the Ba Den Management Board will waive/reduce rent for affected persons, and that they will receive proposed allowances/training for restoration of their livelihoods as set out in the entitlement matrix;
  - (iv) Determine the losses in accordance with the entitlement matrix and update the compensation rates for allowances, and verify rates in accordance with ADB guidelines;
  - (v) Provide project and resettlement information to all persons affected in a form and language that are understandable to them, and closely consult them on compensation and resettlement options, including measures to compensate for economic losses and relocation sites for shops (if necessary);
  - (vi) Prepare the final RP with time-bound implementation schedule, procedures for grievance redress, monitoring and evaluation, and a budget; and
  - (vii) Translate it into Vietnamese;
  - (viii) Disclose the draft and final RP to the affected communities and on the ADB website, in accordance with ADB's Public Communications Policy (2011). The draft RP will be disclosed to APs prior to ADB's staff review meeting. The final

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<sup>4</sup> Data will be disaggregated by gender and ethnic group.

RP will be disclosed during implementation. An updated public information brochure based on updated resettlement plan will be provided to APs. Surveys to be used to gather information to update the RP are shown in Table 8.

**Table 8: Surveys for Resettlement Plan Updating**

<b>Detailed Measurement Survey (DMS)</b>	<p>The DMS will cover 100% of APs following detailed engineering design. The data collected during the DMS will constitute the formal basis for determining AP entitlements and levels of compensation. For each AP, the scope of the data will include:</p> <ul style="list-style-type: none"> <li>(i) Total and affected areas of land, by type of land assets;</li> <li>(ii) Total and affected areas of structures, by type of structure (main or secondary) and construction grade;</li> <li>(iii) Legal status of affected land and structure assets, and duration of tenure and ownership;</li> <li>(iv) Quantity and types of affected crops and trees;</li> <li>(v) Quantity of other losses, e.g., business or other income, jobs or other productive assets; estimated daily net income from informal shops;</li> <li>(vi) Quantity/area of affected common property, community or public assets, by type;</li> <li>(vii) Summary data on AP households, by ethnicity, gender of head of household, household size, primary and secondary source of household income viz-a-viz poverty line, income level, and whether household is headed by the elderly, disabled, poor or indigenous peoples;</li> <li>(viii) Identify whether affected land or source of income is primary source of income; and</li> <li>(ix) AP knowledge of the subproject and preferences for compensation and, as required, relocation sites and rehabilitation measures.</li> </ul>
<b>Socioeconomic Survey</b>	<p>The SES will collect information from 100% of affected households/APs, disaggregated by gender and ethnicity. The purpose of the SES is to provide baseline data on APs to assess resettlement impacts, and to be sure proposed entitlements are appropriate, and to be used for resettlement monitoring. The scope of data to be collected includes:</p> <ul style="list-style-type: none"> <li>(i) Household head: name, sex, age, livelihood or occupation, income, education and ethnicity;</li> <li>(ii) Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender;</li> <li>(iii) Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and</li> <li>(iv) Access to basic services and facilities.</li> </ul>
<b>Replacement Cost Survey (RCS)</b>	<p>The PCU/PIU will engage a specialist to conduct the RCS in parallel with DMS and SES activities by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area, material suppliers, house contractors), and from both those affected and those not affected. The government rates will be adjusted, as necessary, based on the findings of a RCS. Compensation rates will be continuously updated to ensure that APs receive compensation at replacement cost at the time of compensation payment.</p>

## 7.2 Implementation

38. Land acquisition, compensation and relocation (if necessary) of APs cannot commence until the RP has been reviewed and agreed on by the Government of Viet Nam and ADB. All resettlement activities will be coordinated with the civil works schedule. The Notice to Proceed for civil works contractors will not be issued for subprojects with resettlement impacts until compensation payment has been fully disbursed to AHs, agreed rehabilitation assistance is in place, and the site is free of all encumbrances.

## 8. INSTITUTIONAL ARRANGEMENTS

39. The role and functions of each organization responsible for resettlement implementation is outlined below:

40. **Executing Agency:** The Ministry of Culture, Sports and Tourism (MCST) is the project's executing agency (EA). The MCST-based Project Coordination Unit (PCU) and Project Implementation Unit (PIU) embedded in the Tay Ninh Provincial Department of Culture, Sports and Tourism (DCST) will be responsible for updating and implementation of this RP. The PCU will coordinate with the Provincial People's Committee and the PIU to ensure that the compensation is administered according to the provisions of this RP.
41. **Provincial People's Committee (PPC).** The Tay Ninh PPC is responsible for resettlement activities within its administrative jurisdiction. The main responsibilities of the PPC include:
- i. Review and approve the updated Resettlement Plan to be developed following the subproject detail design;
  - ii. Providing guidance in the updating and implementation of the RP;
  - iii. Issuing decisions on approving land valuations applied for compensation, allowances and other supports to APs, especially vulnerable groups, based on principles of RP;
  - iv. Approve and allocate budget for compensation, support and resettlement;
  - v. Directing and supervising relevant departments of the province to effectively implement the RP;
  - vi. Authorizing the district-level People's Committee to approve compensation, assistance and resettlement plans;
  - vii. Settling APs' complaints and grievances related to compensation, assistance and resettlement according to their law-prescribed competence;
  - viii. Instruct the Land Fund Development Centre (if applicable) to conduct the Detailed Measurement Survey in coordination with the District.
42. **District People's Committee (DPC).** The DPC is responsible for following primary tasks:
- i. Establishing the DRC and directing the DRC and relevant district departments to appraise and implement the detailed compensation, assistance and resettlement;
  - ii. Approving the compensation plans in line with the resettlement plan if authorized by the PPC and monitoring the progress of land acquisition and resettlement implementation in compliance with the updated RP;
  - iii. Directing Commune People's Committees and relevant organizations on various resettlement activities;
  - iv. Resolving complaints and grievances of APs.
43. **District Resettlement Committee (DRC).** The composition of the DRC includes the Vice-Chairperson of the DPC (playing role as the head of DRC), the representatives of Department of Natural Resources and Environment, Department of Finance, Department of Agriculture, CPC Chairmen, members of District Farmers' Association and the Women's Union. The main responsibilities of the DRC are the following:
- i. Organize, plan and carry out compensation, assistance and resettlement activities;
  - ii. Conduct the Detailed Measurement Survey, consultation and disclosure activities;
  - iii. Design and implementation of income restoration programs in coordination with various stakeholders;
  - iv. Prepare compensation plans in line with the resettlement plan and submit to the DPC for approval. Implement compensation, assistance and resettlement; Take responsibility for legal basis applied in compensation, assistance and resettlement policy following approval of the RP;
  - v. Lead and coordinate with the CPCs in the timely delivery of compensation payment and other entitlements to affected households;



- vi. Assist in the resolution of APs' grievances.

44. **Commune People's Committee (CPC).** The CPC will assist the DRC in their resettlement tasks. Specifically, the CPC will be responsible for the following:

- i. Assign commune officials to assist the DRC in the updating of the RP and implementation of resettlement activities;
- ii. Sign the Compensation Agreement Forms along with the affected households;
- iii. Assist in the resolution of grievances; and,
- iv. Actively participate in all resettlement activities and concerns.

45. **Project Implementation Consultants.** The project will engage an international social safeguards specialist (4 months) and a national social safeguards specialist (12 months) to support the PCU and PIUs in handling resettlement issues. The resettlement consultants will have experience in both planning and implementation of resettlement plans in Viet Nam.

The specific tasks of the international social safeguards specialist include:

- i. Ensuring that due diligence is carried out in implementing the Resettlement Plans and the Ethnic Minorities development Plan (EMDP) for all subprojects;
- ii. According to the provisions in the social safeguard plans, assist in preparing the materials and strategy for information campaigns, public consultation and community participation;
- iii. Review the survey materials and method to complete the detailed measurement survey during detailed design and recommend improvements as required;
- iv. Update the Resettlement Plans, and follow-up to ensure their approval by the PPC
- v. Update and support implementation of the EMDP; in coordination with the Gender Specialist, prepare training modules on inclusion of ethnic minority groups in tourism activities as part of the training and capacity development programs under the project's institutional strengthening components (output 3 & 4);
- vi. Brief officials at all levels on the content and procedures for implementing the social safeguard plans and improve, if necessary, procedures for the coordination of resettlement, compensation and implementation of EMDP activities;
- vii. Ensure that mechanisms to address grievances promptly and properly are in place and functioning well;
- viii. Establish and implement procedures for ongoing internal monitoring;
- ix. Design and deliver capacity development activities for all relevant agencies, as needed, in the areas of ADB resettlement and indigenous peoples policies, participation and communication, and grievance procedures;
- x. Train PCU and PIU assigned social safeguard focal persons to carry out internal monitoring and reporting of social safeguards plans

46. The national social safeguards specialist will:

- i. Support the PCU and provincial PIUs in implementing the Resettlement Plans and EMDP for all subprojects;
- ii. Assist in the conduct of the information campaigns, public consultation and community participation on social safeguards;

- iii. Coordinate the detailed measurement survey with district officials at the time of the detailed design and update the list of affected persons;
- iv. Assist the international social safeguards specialist to update the Resettlement Plans and EMDP;
- v. Advise PCU and international social safeguards specialist on how to improve procedures for the coordination of resettlement, compensation and implementation of actions in the EMDP;
- vi. Verify the calculations of compensation made by the Provincial and District Resettlement Committee in relation to the provisions of the RP entitlement matrix, and advise the PCU/PIU on any required measures to take to ensure compensation levels are made according with the RP provisions;
- vii. Monitor compensation payment and advise the PCU/PIU of an actions to take to ensure compensation is paid in full and in a timely manner;
- viii. Ensure that grievances are addressed promptly and properly and that the grievance redress mechanism is functioning well;
- ix. Provide periodic training on grievance redress if needed;
- x. Establish and implement liaison mechanisms to ensure proper technical and logistical support to the PCU local administrative authorities, resettlement committees and concerned government departments;
- xi. Establish and implement procedures for ongoing internal monitoring;
- xii. Design and deliver capacity development activities on ADB social safeguard policies for all relevant agencies, as needed, including requirements for participation, communication and gender mainstreaming;
- xiii. Train PCU and PIU assigned social safeguards focal persons to carry out internal monitoring and reporting on the RPs and EMDP; and
- xiv. Monitor grievance process from all the affected households.

## **9. CONSULTATION AND DISCLOSURE**

### **9.1 Consultation during Design**

47. Affected persons were consulted about the impacts of resettlement during the IOL interview process. While conducting the interviews the PPTA consultants and local authorities sought APs views on the proposed infrastructure improvements and the temporary economic losses that could be expected based on the project's preliminary design. Policies on entitlement and compensation, the objectives of the census and IOL and socio-economic surveys, and eligibility for compensation including the cut-off date we also discussed. There were 19 affected persons (representing 19AHs) interviewed for the socioeconomic survey, with 7 men and 8 women participating in a follow-up focus group discussion on the subproject.<sup>5</sup>
48. The participants discussed their perspectives on the benefits of the project, issues of concern and their main recommendations for project implementation to enhance benefits and avoid negative impacts. Highlights of the discussion included:
- All participants are excited and supportive of proposed construction activities;
  - Local people also confirmed that they would facilitate favourable conditions for the civil works contractors because they will be the beneficiaries of the works in the future;
  - The temporarily affected land (selling) area is considered negligible (just a few m<sup>2</sup>, if any) and dismantling of tables and awnings will not impact structures (of stalls)

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<sup>5</sup> Conducted on 21 August 2013

- Temporary impacts can be mitigated by applying proper construction methods and schedules;
- Many areas in the tourism site are currently for rent for business purposes and the subproject will benefit them all;
- The households renting land here have been given favourable conditions for business until now and therefore want to continue developing their business, with better environmental conditions, to improve their livelihoods and provide better services for visitors;
- Some households may be impacted temporarily because of the expansion of the main concourse in front of the main pagoda.
- Dust and construction material may affect the stalls and their income may decrease accordingly.

49. The provisions in this resettlement plan to compensate retail operators for temporary economic disruptions addresses the concerns expressed above.

## **9.2 Consultation during implementation:**

50. The MCST and DCSTs will ensure that consultations with APs will be carried out throughout the project cycle, starting with when the PIUs are mobilized, so that APs needs and preferences can be incorporated into the detailed design arrangements where practicable. They will also participate in the various RP processes such as the: (i) DMS, (ii) RCS, (iii) identification of sites, (iv) hand-over of entitlements, (v) monitoring of impacts and benefits, and (vi) discussion and settlement of grievances. The scope of information to be provided to APs includes: (i) descriptions of the project/subprojects and overall schedule, (ii) DMS and RCS results, (iii) policy principles and entitlements and special provisions, (iv) grievance procedures, (v) timing for payments and temporary displacement schedule, and (vi) institutional responsibilities.
51. This RP will be translated and distributed to the provincial and district authorities and will be posted on ADB's website prior to project appraisal. With support from the PIU, the DRC will be responsible for the disclosure of the RP to affected persons. After the detail design and prior to the DMS, the Public Information Booklet (PIB) will be updated and disclosed to the affected people. The updated RP will be posted on the ADB website following the DMS at the detail design stage. Monitoring reports on resettlement will also be uploaded on ADB's website.
52. Updating and dissemination of the resettlement plan is integral to the project's Stakeholder Communication Strategy, detailed on the Project Administration Manual. Key activities in the strategy that are designed to support review, updating and dissemination of the RP include: (i) establishment, and regular consultation with, local focal points in all subproject areas; (ii) community meetings in parallel with detailed infrastructure design; (iii) individual consultations with potential/affected persons; and (iv) joint meetings between officials, potential/affected persons, project staff, and civil society/mass organizations on matters of resettlement planning, implementation, and monitoring.

## **10. GRIEVANCE REDRESS**

53. It is the responsibilities of Commune and District authorities and the Tay Ninh Ninh PPC to help to resolve confusion, misunderstandings or problems about land acquisition, compensation rates, rehabilitation and relocation. To ensure that all grievances of those affected by any aspect of land acquisition, compensation, relocation, and determination and

payment of entitlements are resolved in a timely and satisfactory manner, and that all avenues for airing grievances are available, detailed procedures for hearing and redressing grievances, including appeal processes, will be made public through an effective public information campaign. The Grievance redress procedure shall also be made available in the project's Public Information Booklet.

54. Grievances related to any aspect of the project/subprojects will be handled through negotiation aimed at achieving consensus. An aggrieved AP or AH will be free from any fees in connection with the lodging and resolution of complaints, as these will be borne by the PIU/EA.
55. Grievance redress mechanisms of the project will follow Article 138 Land Law 2003; Law on complaint No. 02/2011/QH13; Article 63 and Article 64 of Government Decree 84/2007/NĐ-CP; Clause 2, Article 40 of Decree 69/2009, and the regulation on grievance in Government Decree 75/2012/NĐ-CP dated 20/11/2012.
56. Where complaints about administrative decisions or administrative acts regarding land management are settled for the first time by the People's Committees of rural districts, urban districts, provincial capitals or provincial towns, but the complainants disagree with the settlement decisions, they are entitled to initiate lawsuits at People's courts or continue to complain with the provincial/municipal People's Committees.
57. The statute of limitation for complaining about administrative decisions or administrative acts regarding land management will be ninety days (90) as from the date of receiving such administrative decisions or knowing about such administrative acts. In case the complainant is not able to appeal in accordance with the statute of limitations because of illness, natural disasters, sabotage, travel, distant learning or other objective obstacles, that time not included in the time limit for lodging.
58. According to Decree No. 75/2012/ND-CP dated 3 October 2012:
  - i. Within 15 days from the decision to settle the complaint, those who are competent to settle the complaint are responsible for publication of decision on complaint settlement in one of the forms prescribed in Clause 2 of Article 41 of the Law on Complaints.
  - ii. In case of publication of the decision at the meeting, the meeting participants must include the person who makes the decision to resolve the complaint; the complainant or his/her representatives; and concerned agencies, organizations and individuals. Before conducting the public meetings the person that is competent to settle complaints must send notice to the concerned agencies, organizations and individuals. The advance notice period should be three days in advance.
  - iii. The notice of the decision on announcing settlement of complaints on the mass media is radio, television, print and electronic press. Persons who are competent to settle complaints are responsible for choosing the type of media to make the announcement. In case the agency or person who is competent to settle complaints has established an e-portal or electronic information page, it must be publicized on that e-portal or electronic information page. The number of times the decision is to be publicized on the radio is at least 2 times; on television at least 2 times; by print at least 2 times. If posting on the internet or on an electronic information page, it should be posted for at least 15 days from the date of notification.
  - iv. When the decision is posted in offices of organizations that have resolved the complaints, decisions shall be posted for at least 15 days from the date of notification.
59. Grievance redress can be summarized in the steps set out below:

60. **First Stage: Commune People's Committee.** An aggrieved affected household may bring his/her complaint to any member of the Commune People's Committee, either through the Village Chief or directly to the CPC, in writing or verbally. It is incumbent upon said member of CPC or the village chief to notify the CPC about the complaint. The CPC will meet personally with the aggrieved affected household and will have 30 days (or 45 days for complicated case) following the lodging of the complaint to resolve it (in remote and mountainous areas or complicated case, the complaint should be resolved within 45 or 60 days, respectively). The CPC secretariat is responsible for documenting and keeping file of all complaints that it handles.
61. Upon issuance of the decision of the CPC, the affected household can make an appeal within 30 days (45 days for mountainous area). If the second decision has been issued and the household is still not satisfied with the decision, the affected household can elevate his/her complaint to the DPC.
62. **Second Stage: District People's Committee.** Upon receipt of the complaint from the household, the DPC will have 45 days (or 60 days for complicated case) and 60 days for remote and mountainous areas (or 70 days for complicated case) following the lodging of the complaint to resolve the case. The DPC is responsible for documenting and keeping file of all complaints that it handles.
63. Upon issuance of the decision of the DPC, the affected household can make an appeal within 30 days. If the second decision has been issued and the affected household is still not satisfied with the decision, the affected household can elevate his/her complaint to the PPC.
64. **Third Stage: Provincial People's Committee.** Upon receipt of the complaint from the affected household, the PPC will have 45 days (or 60 days for complicated case) and 60 days for remote and mountainous areas (or 70 days for complicated case) following the lodging of the complaint to resolve the case. The PPC is responsible for documenting and keeping file of all complaints
65. Upon issuance of the decision of the PPC, the affected household can make an appeal within 30 days if they disagree. If the second decision has been issued and the affected household is still not satisfied with the decision, the affected household can elevate his/her complaint to the court within 45 days.
66. **Final Stage, the Court of Law Arbitrates.** Should the complainant file his/her case to the court and the court rules in favor of the complainant, then the PIU will have to increase the compensation at a level to be decided by the court. In case the court will rule in favor of PPC, then the complainant will receive compensation approved by PPC.
67. The affected people will be provided with support and assistance by locally based organizations, in case they have limited capacity or in case they have questions or complaints.
68. If efforts to resolve complaints or disputes are still unresolved and unsatisfactory following the project's grievance redress mechanism, the households have the right to send their concerns or problems directly to ADB's Southeast Asia Department (SERD) or through ADB Viet Nam Resident Mission. If the households are still not satisfied with the responses of SERD, they can directly contact the ADB's Office of the Special Project Facilitator as outlined in the *Information Guide to the Consultation Phase of the ADB Accountability Mechanism*.

69. The grievance redress mechanism will be continuously disseminated to people during project implementation. The project grievance procedure does not impede access to the court at any time.

## 11. MONITORING AND EVALUATION

70. Monitoring and evaluation of the RP allows project owners to ensure smooth progress of the implementation of RP activities. Importantly, monitoring must also address the degree to which the resettlement activities have achieved their desired objectives, particularly where this involves the rehabilitation of AP's housing, livelihoods and lifestyles.

71. These monitoring objectives will be addressed through internal monitoring by the PCU and PIU with support from the national and international resettlement specialists. The number of severely affected persons identified during the IOL does not warrant the engagement of an external monitor. This will be reassessed at the time of detailed design.

72. The objective of internal monitoring and evaluation is to ensure that resettlement institutions are well-functioning during the course of project implementation, and that resettlement activities are undertaken in accordance with the entitlements and implementation schedule described in the RP. In this way, the protection of APs' interests and the schedule for civil works can be assured.

73. The primary responsibility for internal monitoring lies with the MCST-based PCU safeguards officers and the PIU safeguards officer that will be appointed in the Tay Ninh PIU. MCST will be responsible for overseeing the formation, function, and activities of the PIU, and through quarterly monitoring reports to ADB, summarize progress and issues in implementing the RP. All monitoring data will be disaggregated by gender and ethnicity. The quarterly progress reports will also include financial statements to verify disbursement of counterpart funds for resettlement. Examples of indicators that will be monitored regularly are shown in Table 9.

**Table 9: Monitoring and Evaluation Indicators**

Type	Indicator	Examples of Variables
Input Indicators	Staffing and Equipment	<ul style="list-style-type: none"> <li>Number of project-dedicated staff in PCU and PIUs</li> <li>Confirmation of establishment of each DRC</li> <li>Number of DRC members and job function</li> <li>Adequate equipment for performing functions (including grievance recording)</li> <li>Trainings undertaken</li> <li>Construction contractor meeting local employment targets for unskilled labour</li> </ul>
	Finance	<ul style="list-style-type: none"> <li>Funds disbursed to APs in a timely manner (compensation for non-land assets and economic losses, and allowances)</li> </ul>
Process Indicators	Consultation, Participation, and Grievance Resolution	<ul style="list-style-type: none"> <li>Distribution of PIB to all APs</li> <li>Summary RP available in all districts</li> <li>Translation of materials in ethnic minority villages and for individual minority APs in villages of other ethnicity</li> <li>Number of focal points established</li> <li>Number of consultations (meetings/individual) undertaken as scheduled in the RP and stakeholder communication plan</li> <li>Grievances by type and resolution</li> <li>Number of local-based organizations participating in project</li> </ul>
Output Indicators	Acquisition of Land	<ul style="list-style-type: none"> <li>Area of land acquired</li> </ul>
	Buildings	<ul style="list-style-type: none"> <li>Number, type and size of private houses/structures acquired</li> </ul>
	Trees and Crops	<ul style="list-style-type: none"> <li>Number and type of private trees acquired</li> <li>Number and type of government/community trees acquired</li> </ul>

Type	Indicator	Examples of Variables
	Compensation and Rehabilitation	<ul style="list-style-type: none"> <li>• Number of households affected (land, structures, trees, crops)</li> <li>• Number of owners compensated by type of loss</li> <li>• Amount compensated by type and owner</li> <li>• Number and amount of payment paid</li> <li>• Compensation payments made on time</li> <li>• Compensation payments according to agreed rates</li> <li>• Number of replacement businesses constructed by APs</li> <li>• Number of vulnerable groups provided additional assistance</li> </ul>
	Reestablishment of Community Resources	<ul style="list-style-type: none"> <li>• Number of community buildings repaired or replaced</li> <li>• Number of seedlings supplied by type</li> </ul>

## 12. BUDGET

74. The RP budget is presented below. The total cost estimate is \$16,841, with \$13,564 for direct costs of compensation, \$2,475 for implementation, and \$802 (5%) allocated for contingency.

75. The Government of Viet Nam will cover the costs of land acquisition and resettlement within the agreed implementation period. The budget will cover compensation costs, allowances and rehabilitation measures, administration costs, and contingency and will be part of the Government's counterpart fund. The Tay Ninh Department of Finance will be responsible for the disbursement of funds. The Government will ensure timely provision of counterpart funds for resettlement to meet any unforeseen obligations in excess of the resettlement budget estimates in order to satisfy resettlement requirements and objectives.

**Table 10 Resettlement Costs – Ba Den Mountain Environmental Improvements**

	Unit	Rate/unit	Quantity	Amount (D)	Amount (\$)
<b>Life stabilization/business losses</b>					
Temporary economic disruption; estimate 1 month of income	month	10,000,000	27	270,000,000	12,857
<b>Special Assistance</b>					
Poor HH or other vulnerable groups - 30 kg rice x person x 3 months (3 AHs/11 APs)	APs	1,350,000	11	14,850,000	707
<b>Subtotal - Direct Costs</b>				284,850,000	\$13,564
<b>Implementation</b>					
Conduct DMS Survey	LS			18,000,000	857
Community consultations		3,000,000	3	9,000,000	429
Capacity building for implementation	LS			15,000,000	714
Monitoring	1.50%			4,272,750	203
Administrative Costs	2%			5,697,000	271
<b>Subtotal - Implementation</b>				51,969,750	\$2,475
Contingency	5%			16,840,988	802
<b>TOTAL</b>				<b>353,660,738</b>	<b>\$16,841</b>

### 13. IMPLEMENTATION SCHEDULE

76. The subproject will be implemented from 2015 to 2019. An indicative implementation schedule is presented in Table 7.

**Table 11: Implementation Schedule**

<b>Resettlement Plan Updating/Implementation Activities</b>	<b>Schedule</b>
Consultations, carry out DMS, socioeconomic surveys, and disclosure by subproject.	Quarter 3, Year 1
Approval of updated resettlement plans by Tay Ninh PPC and ADB	Quarter 4, Year 1
Implementation of updated resettlement plan actions.	Quarter 1 and Quarter 2, Year 2
Award of civil works contracts.	End of Quarter 2, Year 2
Internal monitoring.	Continuous
Clearance of acquired land.	Quarter 3, Year 2
Start of civil works.	Quarter 4, Year 2



## Annex 1: List of Affected Persons

No	Head of Household	Age	Gender	No. Affected persons	Vulnerable HHS
1	Huynh Thi Thien	40	F	6	0
2	Nguyen Thi Be Bay	43	F	4	0
3	Nguyen Thi Minh Thuy	35	F	5	0
4	Le Thi Phuong	35	F	4	0
5	Ho Thi Thu Thuy	45	F	7	0
6	Dao Thi My Hoa	38	F	8	0
7	Nguyen Thi Hong	39	F	3	0
8	Tran Thi Ngoc Lan	51	F	6	0
9	Luong Thi Quyen	51	F	5	0
10	Tran Thi Kim Anh	33	F	4	0
11	Le Thi Uyen Linh	30	F	4	0
12	Nguyen Thi Ngoc Huong	34	F	4	0
13	Truong Bao Chau	40	F	2	1
14	Nguyen Thanh Phuoc	33	M	4	0
15	To Hung Vuong	35	M	2	1
16	Le Van Sam	33	M	5	0
17	Nguyen Van Tanh	68	M	5	0
18	Nguyen Thi Hong Thien	36	F	4	0
19	Tran Thi Lam	51	F	6	0
20	Nguyen Thi Tuyen	51	F	8	0
21	Nguyen Thi Phoi	45	F	5	0
22	Vo Huynh Thuy Hong	33	F	10	0
23	Nguyen Van Ngon	45	M	4	0
24	Nguyen Tran Thanh Huu	42	M	6	0
25	Dao Xuan Thang	25	M	7	1
26	Pham Thi Sot	58	F	5	0
27	Vu Minh Phong	45	M	4	0
Total APs				137	

AP = affected person

## **Annex 2: Consultations with Affected Households in Tay Ninh**

**9 August 2013**

**Participants: 7 men and 8 women (100% Kinh)**

The PPTA consultants and Tay Ninh DCST staff briefed and discussed (in focus group format) the following issues with the participants:

Proposed infrastructure improvements at Ba Den Mountain;

- (b) Temporary and permanent resettlement impacts;
- (c) Entitlement and compensation;
- (d) Objectives of the census, Inventory of Losses, and socio-economic surveys, and eligibility for compensation including the cut-off date;
- (e) Need for active participation of the community in resettlement planning;
- (f) Affected persons views on the subproject, its benefits, how to avoid impacts on structures and businesses and minimize environmental and resettlement impacts.

Following the presentation, the participants expressed their views on the project and resettlement impacts as follows:

**Project's benefits:** If the project is implemented, the community and management unit will benefit practically. The project will create employment opportunities for residents in the project site because the expected increased number of visitors entails increased consumption of local agricultural and handicraft products. The women seem to benefit more because almost all business people working in the tourist site are women. One woman working at the ticket office is quoted as "A lot of households that come from another locality were poor before working here but after selling in the tourist site, currently they have better living condition". Also, if the number of visitors increases management board may recruit more employees for ticket selling or the security tea, and accordingly, the local residents will have more employment opportunities. Participants expressed the following views about the subproject:

- They are excited about expected construction of subproject;
- Local people also confirmed to facilitate the favorable conditions for construction contractors because they are the beneficiaries from the construction works in the future;
- The affected land area is considered negligible just a few m<sup>2</sup> (if any) and won't make impacts on the main structure of stalls and businesses;
- The land areas in the tourism site are currently for rent for business;
- The HHs renting land here have been given favorable conditions for business until now and therefore want to continue developing their business with the better conditions to improve living and also meet visitors' demand;
- The affected spaces are almost front yard of the stalls. Structure of stalls won't be affected. Moreover, these impacts are also mitigated by applying proper construction methods and schedule;
- Some HHs may be impacted temporarily by construction near the main pagoda (expanded pagoda yard). Dust and construction material may affect the stalls and their income may decrease accordingly.

**The negative impacts that could occur:** "The increase of number of visitors may increase volume of waste and environmental pollution. The international visitors are mostly from Cambodia and Taiwan. Prostitution and trafficking in women may increase because the project province is located near a border gate (52kms from Tay Ninh town to Moc Bai border gate). However, these issues can be addressed by provincial departments, especially public security and local authorities. The site managers noted that they do not have the capacity to address such problems alone.

**Other opinions:** Other participants stated that the increased number of visitors may lead to an increase in criminal activity like stealing and pick-pocketing. The security team then has to work harder to control the situation.

The construction and rehabilitation of the tourist site may make impact on stalls and the environment, such as creating dust. Construction safety and impact mitigation measurements should be implemented to minimize impacts on the people's living, business environment, and tourists.

**Feeling about tourists:** Generally, international tourists are more fully aware of environmental protection than domestic visitors. The reason for increase of number of visitors to the park is mainly due to increase in pilgrimage tourism. The visitors come to wish for their family's happiness and good business. However, after spring festivals, workers and employees of the tourist site have to work very hard to keep order and clean the area. Although the management unit has to hire more worker teams (over 100 temporary workers at times) the daily waste volume still remains huge. "We suggest enhancing awareness activities about environmental protection for domestic visitors and there should be stricter fines in place to mitigate indiscriminate littering (opinion of staff of sanitation and ticket office).

**The new occupations could be developed:** The tourist site could construct more kiosks for selling the local specialties or building the tourism gardens with special fruits, which local people could cultivate to sell to tourists that visit the orchards.

**In order to promote Tay Ninh tourism,** besides developing the new destinations, the management unit, destination preservation and development division and town Women's Union suggested:

- + Training on capacity building, specialized skills, service skills and foreign language for tourism personnel;
- + Attracting private investment on community-based tourism (building garden-house model, the mineral springs resort, the craft village tourism model, etc.)
- + Training for the population of neighboring communes on tourist services and skills: cooking skill and hygienic food preservation; awareness raising on polite lifestyle and tourism activities.
- + Exploit border gate tourism, connecting with Cambodia tour to create the interesting two country tour for visitors.

Tay Ninh Department of Culture, Sports and Tourism should launch the tourism support programs and make a plan for community-based tourism and promote provincial tourism potential.

**Training activities:** The participants expressed that, in past years, the management board has focused on training activities on tourism and specialized security skills. Some training courses are held by Tay Ninh DCST such as tourism specialized skills training, community-based development training, marketing training, and tourism advertisement. The security specialized skills training is held by the public security office. However, due to limited budget, a limited number of staff has chance to participate the training courses.

Only the president of the Trade Union (labour union) has ever participated in gender training courses hold by the provincial trade union. The others are not aware of gender issues and why a course on gender issues is needed.

**Community-based tourism:** Tay Ninh has a lot of traditional craft villages such as rice paper production, bamboo and rattan, floating cages fish farming but the community-based tourism is less developed. The tourism personnel have not trained on community-based tourism

development and therefore are not encouraged and have no foundation to find the creative way for its development. It is needed to make business persons and population aware of good communication and polite behaviour with visitors “not to take advantage of the peak time of festivals to require over-payment”

**Consultation with villages’ chiefs:** (at villages around the site). The village chiefs have the similar opinions on project’s benefits. They think that if the tourist site is upgraded, it will contribute in poverty reduction for the general population. About 10 years ago, the tourist site was not planned and developed as present; quite a large number of households were classified as the poor without any solutions to get out of poverty. After the tourist site is open for development and private investment (since 2008), the population has more stable income. The number of poor is declining. The highest rate of poor households in communes near Ba Den reaches only 4%. Some households with good business development skills even gain income of approximate D 100 million per year. Therefore, when tourism infrastructure is upgraded, farmers, unskilled employees and business persons will benefit most. Vegetables, fruits and specialty rice paper (*banh trang*) will be consumed more, promoting increased production accordingly. None of villages’ chiefs think the project negatively affects them or surrounding residents because the tourist site is located far from the villages. However, some households may be impacted temporarily because the rehabilitation of some items near the main pagoda (expanded pagoda yard). Dust and construction material may affect the stalls and their income may decrease accordingly. If the people are displaced from their stall and not allowed to relocate on the site their lives will be seriously affected.



for a Beautiful life

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**LIST OF PARTICIPANTS**

**DANH SÁCH THAM DỰ**

Content/ Nội dung: Thảo luận nhóm tập trung (nước uống)

Dated on/Thời gian: 09/8/2013 Location/Địa điểm: Ban Quản lý Núi Bà Đen

No. STT	Full name Họ và Tên	Agency/ Unit Đơn vị công tác	Amount Số tiền	Phone/email Liên hệ
1	Phan Thị Bảo Trâm	Thủ quỹ	20.000	
2	Lê Phát Dương	Nhân viên Kiểm soát vé	20.000	
3	Huỳnh Duy Phúc	Trưởng BP. Kiểm soát vé	20.000	
4	Ngô Huỳnh Quốc Khánh	Nhân viên Kiểm soát vé	20.000	
5	Lê Hồng Đức	Nhân viên bảo vệ	20.000	
6	Nguyễn Đức Hân	Trưởng BP. Bán xe	20.000	
7	Ngô Thị Hồng Nhung	Nhân viên Nhà bảo tàng	20.000	
8	Ngô Thị Thu Trang	Trưởng BP. Bán vé	20.000	
9	Phạm Văn Phong	Trưởng BP. Vệ sinh cây kiểng	20.000	
10	Đỗ Thị Kim Mai	Phòng DV DL và KHTT	20.000	
11	Đỗ Huỳnh Như	Nhân viên Nhà bảo tàng	20.000	
12	Đoàn Thị Tuyết	Nhân viên Phòng HC-TN-TC	20.000	
13	Trần Thị Hồng Liên	Quản lý Di tích	20.000	
14	Lê Ngọc Thảo	Hành chính	20.000	
15	Nguyễn Ngọc Lan	Trưởng phòng Hành chính	20.000	

Prepared by/ Người lập biểu

Nguyễn Thị Bích Trâm.

## Annex 3: Sample Public Information Booklet

### Resettlement Plan Sample Public Information Booklet GMS Tourism Infrastructure for Inclusive Growth Viet Nam Ministry of Culture, Sports and Tourism

#### ***What is the GMS Tourism Infrastructure for Inclusive Growth Project?***

The proposed Tourism Infrastructure for Inclusive Growth Project will improve last mile tourism access and environmental infrastructure and provide capacity building support to promote inclusive tourism growth in the GMS corridors. The Ministry of Culture, Sports and Tourism and Tay Ninh provincial Department of Culture, Sports and Tourism are implementing the project, with financial assistance from the Asian Development Bank (ADB).

This Resettlement Plan concerns the subproject Ba Den mountain Environmental Improvements. The Inventory of Losses was conducted between 9 August and 31 August 2013 to identify the impacts that proposed infrastructure improvements would have on local businesses in Ba Den Mountain Park.

At Ba Den Mountain Park the project will undertake improvements that include (i) extension of the main concourse and public open space surrounding the main religious buildings and shrines (approx. 3,000 m<sup>2</sup>); (ii) upgrading of the access pathway up the mountain to the main concourse; (iii) construction of rest shelters and kiosks along pathway/steps; (iv) provision of additional public toilets and upgrading of existing facilities; and (v) upgrading water supply and sanitation facilities. The main resettlement impacts are temporary economic disruption arising from the construction of the concourse extension where a total of 27 retail shops are located.

#### ***What will happen to the people losing assets and sources of livelihood?***

Compensation will be paid at **replacement cost** in cash or in-kind (for example, land-for-land) for all assets affected, including sources of livelihood. Other forms of assistance will also be provided to households depending on the severity of project impacts.

#### ***What is “replacement cost”?***

This is the amount needed to replace an affected asset without deductions for taxes or costs of transactions. Replacement costs relevant for this project are calculated as follows:

- Residential land based on market prices that reflect recent land sales, and in the absence of such recent land sales, based on similar location attributes;
- Houses and other related structures based on current market prices of materials and labor without depreciation nor deductions for salvaged building materials;

#### ***What are the key principles for helping affected households under the project?***

- Avoid, if not minimize, land acquisition and relocation, and impacts on sources of livelihoods of people;
- Restore the standard of living of affected households;
- Replace and compensate lost assets at replacement cost, on top of providing allowances and income restoration support, as warranted;
- Inform and consult the affected households about the project, impacts, options for compensation and assistance, and grievance redress mechanism;
- Protect social/cultural institutions;
- Non-titled affected households (those who have no title to the land or customary rights) have rights to receive Project entitlements provided that they meet the cut-off date for eligibility;
- Identify and assist vulnerable groups at high risk of impoverishment, such as female-headed households with dependents, disabled household heads, households falling under the generally accepted indicator for poverty, children and the elderly households who are landless and with no other means of support, landless households, and ethnic minorities; and

- No demolition of assets/entry to properties will be done until the affected household is fully compensated and relocated.

**Who are eligible to be compensated and assisted under the project?**

All affected people, households, and institutions/organizations that satisfy the **cut-off date for eligibility** are eligible to be compensated and assisted under the project. The cut-off date coincides with the period the census of affected persons (regardless of tenure status) and the inventory of losses (IOL) that were concluded on 31 August 2013, to be validated and updated later during the detailed measurement survey (DMS). Persons not covered in the census are not eligible for compensation and other entitlements, unless they can show proof that (i) they have been inadvertently missed out during the census and the IOL; or (ii) they have been included among the affected due to changes in project design.

**What are the entitlements of affected households?**

Project entitlements listed in Table 1 are based on the impacts identified during the census and IOL. The entitlements will be adjusted and updated, as needed to be consistent with the project resettlement policy, based on the results of the DMS, to reflect a more precise inventory and assessment of impacts on assets and on the people.

**Table 1: Project Entitlement Matrix**

Type of Losses	Entitled Persons	Entitlements	Implementation Issues
Partial dismantling of shops where some residents reside.	Owners of affected structures whether tenants or owners of the land.  AH = 16	<ul style="list-style-type: none"> <li>• Space of equal size at same location is available to re-establish tables, awnings and other materials at the shops after construction is finished.</li> <li>• Waiver of rent during construction period and afterward same rent as prior to construction, for a period of two years.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure consultation with APs on construction schedules and arrangement of stalls/space as part of detail design.</li> </ul>
Loss of business income during dismantling/repair of affected portion or shop or blocked access during period of construction	Retail shop operators – Owners or leaseholders/tenants  AH = 27	<ul style="list-style-type: none"> <li>• Cash compensation equivalent to the average monthly income prorated to the number of days of business disruption.</li> <li>• Transportation assistance, if needed.</li> <li>• Waiver of rent for construction period.</li> </ul>	Amount for period of disruption to be determined at DMS; amount to be increased if construction is substantially longer than envisaged or delayed.
Vulnerable APs	Vulnerable APs such as poor households, or households headed by women, the elderly, or having disabled family members; and members of ethnic minorities  AH = 3	<ul style="list-style-type: none"> <li>• An additional allowance of 3 months supply of rice per person in the household.</li> <li>• Eligible and with priority for participation in business training programs planned under Output 3.</li> <li>• The contractors will make all reasonable efforts to recruit severely affected and vulnerable APs as labourers for civil works. (To be monitored by EA and ADB).</li> </ul>	Poor APs as set by Ministry of Labour, Invalids and Social Affairs poverty level, being average income of less than D 400,000 per month in rural areas and less than D 500,000 D urban areas.
Temporary use of land	Leaseholder	<ul style="list-style-type: none"> <li>• Retail leaseholders will not pay any rent on land that is being used for construction.</li> <li>• Retail leaseholders that temporarily lose access to their shop due to bypass route or other construction works will be entitled to Loss of Business Income entitlements.</li> </ul>	<ul style="list-style-type: none"> <li>• The Ba Den Management Board will ensure that no rent is charged for retail space being used by contractors for construction. If such costs must be recouped from contractors, the MB will be responsible to recoup such costs.</li> </ul>

**How are the grievances of affected persons (or households) heard and resolved?**

An aggrieved affected household may bring his/her complaint before any member of the Commune People’s Committee (CPC), either through the Village Chief, a project staff, or directly to the CPC, in writing or verbally. The CPC will meet personally with the aggrieved person (or household) and will have 15 days to resolve the complaint. If the affected person (or household) is not satisfied with the action taken by CPC on his/her complaint, the aggrieved person (or household) may bring the case, either in writing or verbally, to any member of the District People’s Committee (DPC). The DPC has 15 days to resolve the case. If the affected person (or household) is not satisfied with the action taken by DPC on his/her complaint, the aggrieved person (or household) may bring the case, either in writing or verbally, to any member of the Provincial People’s Committee (PPC). The PPC has 15 days to resolve the case. If the affected person (or household) is not satisfied with the action taken by PPC on his/her complaint, the aggrieved person (or household) may bring the case to a court of law for adjudication. All legal and administrative costs incurred by an affected person/household and their representatives are to be covered by the project.

**What is the tentative schedule for implementing resettlement? (2015 – 2019)**

<b>Resettlement Plan Updating Activities</b>	<b>Schedule</b>
Consultations carry out DMS, socioeconomic surveys, and disclosure by subproject.	Quarter 3, Year 1
Approval of updated resettlement plans by Tay Ninh PPC and ADB	Quarter 4, Year 1
Implementation of updated resettlement plan actions.	Quarter 1 and Quarter 2, Year 2
Award of civil works contracts.	End of Quarter 2, Year 2
Internal monitoring.	Continuous
Clearance of acquired land.	Quarter 3, Year 2
Start of civil works.	Quarter 4, Year 2
Consultations	Continuous

**How can an affected person or household participate in the Project?**

All affected persons or households are encouraged to participate in all consultation meetings and other project related activities in order to ensure that they are fully informed and consulted. Their active participation during the DMS and implementation of the Resettlement Plan will help MCST determine the appropriate measures to mitigate impacts, identify problems or potentials problems, and identify ways of responding expeditiously to solve any problems.

**Where can affected households get additional information about resettlement related information?**

The full RP, detailed project entitlements and compensation unit rates are available from the CPC, DPC, and PPC, and from the office of the Provincial Implementation Unit located at the Department of Culture, Sports and Tourism.

**Who might be contacted for any inquiries about the Project?**

Mr. Tran Van Ngoi, Ministry of Culture, Sports and Tourism. Phone number:

Province, District, Commune PPC:

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